

Carl

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DONALD HOMAN,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

CRIMINAL NOS. 05-CR-708, 07-689
CIVIL NO. 10-7256

FILED

APR 12 2013

MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

ORDER

AND NOW, this 11th day of April 2013, upon consideration of the Petition filed in the above captioned action pursuant to 28 U.S.C. § 2255 [Doc. No. 55] and the Government's Response and Motion to Dismiss [Doc. No. 58], it is hereby **ORDERED** as follows:

1. Petitioner Donald Homan's Petition is **DISMISSED** without prejudice for lack of jurisdiction;
2. The Government's Motion is **DISMISSED** as **MOOT**;
3. There is no probable cause to issue a certificate of appealability.

The Clerk of Court is **DIRECTED** to **CLOSE** this case.

It is so **ORDERED**.

BY THE COURT:


CYNTHIA M. RUFÉ, J.

cc
Defendant (via mail)